

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.

Charles Joseph Kimbrough RIZZIO

Case No.

Case: 2:20-mj-30190

Assigned To : Unassigned

Assign. Date : 6/5/2020

Description: RE: SEALED MATTER
(EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 28, 2020 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section
26 U.S.C. § 5861(e)

Offense Description
Transferring NFA Firearm

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: June 5, 2020

City and state: Detroit, Michigan

Complainant's signature

Special Agent Kenton Weston, ATF

Printed name and title

Judge's signature

Hon. David R. Grand, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

INTRODUCTION

I, Special Agent Kenton Weston, being first duly sworn, hereby depose and state as follows:

1. I have personal knowledge of the facts set forth in this affidavit with the exception of the matters expressly stated to be based upon information and belief.

2. I make this affidavit with personal knowledge based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. I have been employed as Special Agent with the ATF since January of 2018. I am assigned to the Detroit, Michigan, Field Division, Group 2, where I am tasked with investigating violations of firearms and narcotics laws. I have been involved in dozens of investigations involving violations of federal firearms. These investigations have resulted in the seizure of firearms and narcotics. I graduated from Western Michigan University with a B.S. in accounting, the Federal Law

Enforcement Training Center, and the ATF Special Agent Basic Training.

4. ATF is currently conducting a criminal investigation concerning CHARLES JOSEPH-KIMBROUGH RIZZIO (W/M; DOB: XX/XX/1989) for violations pertaining to Title 26 U.S.C. § 5861(e) (Transferring NFA Firearm in Violation of the NFA), among other state and federal criminal violations.

PURCHASE

5. On May 28, 2020, an ATF Special Agent working in an undercover capacity meet with RIZZIO in a parking lot of a business located in Dearborn Heights the Eastern District of Michigan. The ATF undercover agent, using pre-recorded government funds, purchased one JL & Company LTD Sten MK II 9mm submachine gun bearing serial number “EE42520” from RIZZIO.

6. I later test-fired the submachine gun, which functioned in the automatic setting. Therefore, the submachine gun meets the definition of a National Firearms Act, Machinegun as defined by Title 26 U.S.C., Section 5845(a)(6).

ATF RECORDS CHECKS

7. ATF Firearms and Explosives Specialist James Robertson queried the National Firearms Registrations and Transfer Record (NFRTR) for RIZZIO and the submachine-gun with negative results, meaning the submachine-gun cannot be lawfully possessed or transferred pursuant to federal law. IRS Malone also queried

the Michigan Law Enforcement Information Network (LEIN), which revealed the firearm is not registered with the Michigan State Police and has not been reported stolen.

8. Industry Operations Investigator Sharpe queried NFRTR for RIZZIO with negative results. Therefore, RIZZIO cannot lawfully possess, manufacture, transfer, or deal in NFA firearms, to include sub-machineguns.

CONCLUSION

1. Probable cause exists that CHARLES JOSEPH-KIMBROUGH RIZZIO, who is not registered in NFRTR, sold an unregistered NFA firearm, as described above, in violation of Title 26 U.S.C. § 5861(e) (Transferring NFA Firearm in Violation of the NFA) in the Eastern District of Michigan

A handwritten signature in blue ink, appearing to read 'Kenton Weston', written over a horizontal line.

Kenton Weston, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my presence
and/or by reliable electronic means.

A handwritten signature in blue ink, appearing to read 'David R. Grand', written over a horizontal line.

DAVID R. GRAND
UNITED STATES MAGISTRATE JUDGE

Dated: June 5, 2020